

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Patrick Guess, #253980

Plaintiff,

vs.

Jon Ozmint, Agency Director; Robert Ward, Division of
Operations; Dennis Patterson, State Classification
Committee; Kenny Robinson, Inmate; Juan Wright, Inmate;
and all involved parties,

Defendants.

) C/A No. 9:08-2626-TLW-BM

)

)

) Report and Recommendation

)

)

)

)

)

)

)

)

)

)

This action has been filed by the Plaintiff, pro se, pursuant to 42 U.S.C. § 1983. This matter is before the Court pursuant to a Motion for Entry of Default that has been filed by the pro se Plaintiff.

Since Plaintiff is proceeding in forma pauperis, service is to be effected by the United States Marshal. see Order (Court Docket No. 20). The Marshal's Office has advised the Court that the Defendants were served on October 16, 2008, making their responsive pleading due on November 5, 2008. Accordingly, the Defendants are not in default, and it is therefore recommended that Plaintiff's motion for default be denied.

The parties are referred to the Notice Page attached hereto.


Bristow Marchant
United States Magistrate Judge

October 20, 2008
Charleston, South Carolina



Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
P. O. Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).

A handwritten signature in black ink, appearing to be 'R. H. A.', located in the bottom left corner of the page.